

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**Cr. No. 05-1849 JH**

**DANA JARVIS,**

**Defendant**

**MOTION FOR  
WITHDRAWAL OF COUNSEL**

COMES NOW, attorney Joe M. Romero, Jr., and hereby submits his motion for withdraw as lead trial counsel and co-counsel for Defendant. As grounds in support, attorney Joe M. Romero states as follows:

1. Undersigned counsel, Joe M. Romero, Jr., was appointed on January 24, 2006, to represent Dana Jarvis.
2. Undersigned counsel has represented Mr. Jarvis as lead trial counsel from that time until the present date, with research and writing/forfeiture counsel Jody Neal-Post as co-counsel since her appointment as such November 2006.
3. Undersigned counsel is a reserve officer in the Army National Guard. On September 24, 2007, upon being verbally notified of his pending activation, undersigned counsel filed a Notice of Unavailability with this court. *See* Doc. 1064.
4. On December 11, 2007, undersigned counsel received written orders from the New Mexico Department of Military Affairs ordering him to active duty status as of January 11, 2008. *See* Exhibit A.

5. Undersigned counsel is expected to be on active duty status from January 11, 2008, till January 2009, or for a time period not to exceed 400 days.

6. Regarding pending motions, undersigned counsel will work with opposing parties and the court to make himself available for any hearings prior to January 11, 2008.

7. Pursuant to D.N.M. LR-Cr. 44.1(e) undersigned counsel hereby moves the Court for an order withdrawing undersigned counsel from his appointment as Mr. Jarvis' lead trial attorney and co-counsel and requests that this Court appoint another complex case qualified CJA panel attorney to represent Mr. Jarvis as lead trial counsel and co-counsel as soon as feasible.

8. Undersigned counsel has contacted his client and the attorney for the United States to request their positions as to this motion. Mr. Jarvis opposes undersigned counsel's withdrawal only insofar as undersigned counsel's withdrawal would leave him without qualified lead counsel. AUSA James Braun also does not oppose this motion.

9. Due to Mr. Jarvis' opposition and the complexity and uniqueness of the matters pending, undersigned counsel informs the Court that, to the extent permitted by his military deployment, undersigned counsel will make himself available either telephonically or via email to consult with the court, co-counsel, or opposing counsel at least during the transition process to appointment of another complex- case qualified CJA lead counsel, and for some 60 days after new counsel assumes responsibilities, such that effective assistance of counsel is maintained and the defendant unharmed by undersigned counsel's military deployment.

**WHEREFORE**, undersigned counsel respectfully requests that the Court enter an order permitting undersigned counsel to withdraw as Mr. Jarvis' lead counsel, while maintaining Mr. Romero in consultation capacity during the transition period to a new complex case qualified lead counsel.

Respectfully Submitted,

By: /s/  
Joe M. Romero, Jr.  
1905 Lomas Blvd. NW  
Albuquerque, NM 98104  
(505) 843-9776  
(505) 224-9554 (Facsimile)

I hereby certify that a true and correct copy of the following Motion was electronically via this Court's electronic server on December 19, 2007.

/s/  
Joe M. Romero, Jr.

STATE OF NEW MEXICO  
Department of Military Affairs  
Military Division  
Santa Fe, NM 87508-4695

ORDERS 345-525

11 December 2007

ROMERO JOE M 525-06-4395 LTC HHC 111TH CBT SP FWD EN  
(X7LY1-550) 4001 NW LOOP RIO RANCHO NM 87124

You are ordered to active duty as a member of your Reserve Component Unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

REPORT TO HOME STATION: 11 January 2008 , RIO RANCHO

REPORT TO MOB STATION: 14 January 2008 , Ft Lewis

Period of active duty: Not to exceed 400 days

Purpose: OEF, 0111 ME BDE CBT SPT FWD, 1A (WX7LY1)

Mobilization Category Code: G

Additional instructions:

- (a) Early reporting is not authorized.  
Unaccompanied baggage shipment is not authorized.  
Movement of household goods & dependents is not authorized.  
Travel by rental car is not authorized.  
Movement of privately owned vehicle is not authorized.  
Excess accompanied baggage is not to exceed 120 pounds.
- (b) Nontemporary storage of household goods is authorized for soldiers w/o dependents.
- (c) Bring with you complete military clothing bag and appropriate personal items.
- (d) Bring copies of rental or mortgage agreement, marriage certificate, birth certificate, birth certificates of natural children, or documentation of dependency or child support.
- (e) Bring copies of family care plan, wills, powers of attorney, and any other documentation affecting the soldier's pay or status.
- (f) Personnel requiring eye correction will bring two pairs of eyeglasses, and eye inserts for a protective mask.
- (g) Government quarters and mess will be used. Government quarters and dining facility will be used at mobilization station.
- (h) Soldier will be excluded from the Active Army end-strength per Title 10 USC, Section 138, and will not be placed on the active duty list (Sections 641(1)(D) and 620(A), Title 10 USC).
- (i) Family members may be eligible for TRICARE (military health care) benefits. For details call 1-888-363-2273 or go to web address [www.tricare.osd.mil/reserve/](http://www.tricare.osd.mil/reserve/) or email [TRICARE\\_help@amedd.army.mil](mailto:TRICARE_help@amedd.army.mil).
- (j) Pursuant to Presidential Executive Order of 14 Sep 01, you are relieved from your present reserve component status and ordered to active duty. Proceed from your current location in sufficient time to report by the specified date.
- (k) If upon reporting for duty you fail to meet deployment medical standards based on temporary profile or temporary medical condition, you may be released from active duty, returned to your prior reserve status, and returned to your home address, subject to a subsequent order to active duty upon resolution of the temporary profile or condition.

EXHIBIT

A